

REMARKS**A. Status of the Application**

Applicants have presently cancelled claims 3, 7, 8, 12-16, 18, 20, 23 and 24, and requested amendments be entered for claims 1, 9-11, 17, 21 and 22. Consequently, Claims 1, 2, 4-6, 10-11, 17, 19, 21 and 22 are presently pending in the instant application.

The Examiner has rejected claims 1, 5, 7, 11, 12, 17 and 23 as being anticipated by U.S. Patent No. 6,363,065 (“Thornton”) under 35 U.S.C. § 102(e); claims 1-7, 11-20 and 22-24 as being anticipated by U.S. Patent No. 6,295,292 (“Voit”) under 35 U.S.C. § 102(e); and claims 1, 2, 4-7 and 9 as obvious in light of U.S. Patent No. 6,775,267 (“Kung”) under 35 U.S.C. § 103(a). Claims 8, 10 and 21 were objected to as being dependent upon rejected claims, but determined to be allowable if rewritten in independent form.

The Applicants have fully considered the points raised by the Examiner with respect to the cited prior art, and the Examiner’s determination that Claims 8-10 and 20 are allowable over the cited references. Consequently, the Applicant’s have amended Claims 1 and 17 (the only pending independent claims) to include the limitations of allowable Claim 8. Namely, the limitation of determining (in the case of Claim 1) or providing a means for determining (in the case of Claim 17) “the packetized voice call has not been answered at a terminating gateway intended to be a terminating end of the packetized voice call within a prescribed number of rings at the terminating gateway” (ring timeout), prior to “responsively transmitting signaling to cause the originating gateway to transmit the packetized voice call to the non human voice interface system at a lower priority than the specified high priority level.”

The Examiner’s attention is directed to the language of originally filed Claims 7 and 8:

7. The method of claim 1 wherein the determining includes detecting whether the packetized voice call has been answered at a terminating gateway intended to be a terminating end of the packetized voice call within a prescribed number of rings at the terminating gateway.

8. The method of claim 7 wherein the detecting comprises detecting whether a ring timeout has occurred at the terminating gateway within the prescribed number of rings at the terminating gateway.

and presently amended Claim 1:

1. (presently amended) A method of optimizing system resources in a network using packetized voice telephony comprising:

determining that a packetized voice call from an originating gateway terminates at a non-human voice interface system, wherein the packetized voice call is assigned a specified high priority level;

determining that the packetized voice call has not been answered at a terminating gateway intended to be a terminating end of the packetized voice call within a prescribed number of rings at the terminating gateway; and

responsively transmitting signaling to cause the originating gateway to transmit the packetized voice call to the non human voice interface system at a lower priority than the specified high priority level.

The amendment presently made by the Applicants incorporates the language of Claim 7 directly into Claim 1. Claim 8 further labeled the condition described in Claim 7 (failure of a call being answered at the terminating gateway within a prescribed number of rings) as a “ring timeout” condition. This definition is clearly stated in the specification on page 13, lines 17-32:

Initially, the call management system (e.g., CMS 110 of FIG. 1) is ready for operation (Block 202). Next, the CNS requests call setup procedures to initiate a voice call from the originating gateway 104 to the terminating gateway 106 (Block 204). This call setup procedure is entirely conventional. Next, the CMS 110 detects whether or not there has been a ring timeout (Block 206). **In other words, the CMS 110 detects if the voice call is answered at the terminating gateway 106 or if the voice call is not answered within the prescribed number of rings. The CMS 110 keeps checking for a ring timeout until one occurs. If a ring timeout does not**

occur during the call setup procedure, the voice call proceeds as known in the art. Alternatively, the CMS may check for the absence of an offhook at the terminating gateway 106 within the prescribed number of rings.

Applicants did not believe this label to be critical to the Examiner's determination of patentability, and therefore did not include that phrase in the presently amended Claim 1.

With the present amendment, Applicants have endeavored to bring Claim 1 into compliance with the allowable subject matter of Claim 8, and respectfully request the Examiner's reconsideration of this Claim and presently pending Claims 2, 4-6 and 9-11 which are all directly or indirectly dependant upon Claim 1.

The same limitations which have been discussed with respect to Claim 1 are also found in presently amended claim 17:

17. (presently amended) A system for optimizing system resources in a network using packetized voice telephony comprising:

means for determining that a packetized voice call from an originating gateway terminates at a non human voice interface system, wherein the packetized voice call is assigned a specified high priority level;

means for determining that the packetized voice call has not been answered at a terminating gateway intended to be a terminating end of the packetized voice call within a prescribed number of rings at the terminating gateway;
and

means for responsively transmitting signaling to cause the originating gateway to transmit the packetized voice call to the non-human voice interface system at a lower priority than the specified high priority level.

Applicants believe that this claim (and presently pending Claims 19, 21 and 22 which are directly or indirectly dependant upon Claim 17) should be reconsidered and found in condition for allowance.

Applicants also wish to call the Examiner's attention to the fact that both Claim 1 and Claim 17 include the limitation that the subject call be terminated at "a non human voice interface system". The Examiner had made mention in Paragraph 65 of the instant Office Action that it was not readily apparent that such a limitation was indeed included in the rejected claims.

CONCLUSION

The Applicants submit that the presently amended application is in condition for allowance, and respectfully the Examiner's consideration of such.

Dated: June 13, 2005

Respectfully submitted,

By 

Robert P. Marley

Registration No.: 32,914

Tel.: (215) 323-1907

Attorney for Applicants